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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,454	06/12/2001	Richard Timothy Hartshorn	CM1913F	2212

27752 7590 09/05/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/05/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,454

Applicant(s)

Hartshorn et al

Examiner

Charles Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 2, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

This action is responsive to applicants' request for continued examination and amendment received July 2, 2003. Claims 1-9 are currently pending.

Response to Amendment

The amendment received in paper #21 is objected to as the clean copy of claim 1 and the marked up copy do not contain the same material. The examiner assumes this is a typographical error and further assumes that the marked up copy contains the intended claim for examination. Accordingly, for purpose of this action, the limitations of the marked up copy of claim 1 will be examined. Appropriate correction in applicants' next communication is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73

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USPQ 482 (CCPA 1947). The term "components" in claim 1 is used by the claim to mean "a mixture of ingredients that comprise a discrete part of the overall detergent composition," while the accepted meaning is "an ingredient or constituent part."

Applicants have again argued that the "component" of the present claims is meant to refer to "an ingredient or part of the detergent composition of the present invention." (See page 3, paragraph 4 of applicants' arguments). The examiner respectfully, but strenuously disagrees. The components are defined on page 4, line 13 of the present specification as comprising "at least two ingredients which are intimately mixed". If the surfactant and aluminosilicate are mere ingredients, then the degree of mixing (M) will always equal zero. Let us say there is a component (defined by applicants as an ingredient) which is zeolite. How could any surfactant be present in the zeolite? It is impossible. What fraction of the zeolite is surfactant? Always 0%. Conversely, how can zeolite be present in a surfactant ingredient? It cannot. Therefore M, with components defined as ingredients, will always have 0% mixing, and so will always be zero. The examiner's argument is strengthened by the present amendment where "at least one component is made by spray drying and another component is made by agglomeration." A zeolite cannot be made by spray drying or agglomeration. A surfactant cannot be made by spray drying or agglomeration. Zeolites and surfactants are *ingredients within compositions* that may be spray dried or agglomerated. Applicants' claims only make sense when the term "component" is defined as a mixture of ingredients, which make up compositions, which are a discrete part of an overall detergent composition. Referring to example 2J of the present specification, which was

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cited by applicants in paper #12, we see that the “components” are *mixtures of ingredients* and that one component is an agglomerate and another component is a blown powder. Accordingly, the claims must be amended to read “wherein the component is a mixture of ingredients and each component represents a discrete part of the overall detergent composition” or some equivalent language, in accordance with the specification and because the accepted meaning of “component” is much broader than the meaning ascribed to it by applicants.

Allowable Subject Matter

4. Claims 1-9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

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Charles Boyer

A handwritten signature in black ink, reading "Charles Boyer". The signature is written in a cursive style with a large, stylized "C" and "B".

September 3, 2003